

YADKIN COUNTY BOARD OF COMMISSIONERS
REGULAR MINUTES
APRIL 2, 2007

The Yadkin County Board of Commissioners met in Regular Session on Monday, April 2, 2007 at 9:00 a.m., in the Yadkin County Human Services Building (Commissioner's Meeting Room), 217 East Willow Street, Yadkinville, NC.

Present were:

Chair Kim Clark Phillips
Vice Chairman Tommy Garner
Brady Wooten
Joel Cornelius
Chad Wagoner

Staff present: Interim County Manager and Interim Clerk to the Board Eric Williams, County Attorney James Graham, Assistant to the Manager Scarlett Huffman.

CALL TO ORDER by Chair Phillips at 9:02 a.m.

INVOCATION by Commissioner Cornelius

PLEDGE OF ALLEGIANCE by Chair Phillips

ADJUSTMENTS TO/ADOPTION OF THE AGENDA

No adjustments mentioned. Agenda adopted by consensus.

PUBLIC COMMENTS

After no response, Chair Phillips declared the section for public comment closed.

APPROVAL OF MINUTES

Motion was made by Commissioner Cornelius to approve the minutes of the March 19th Regular and Closed Sessions with the following adjustments to Regular Session:

- Commissioner Cornelius noted on page 4 the Motion by Commissioner Cornelius to approve the zoning ordinance text amendments should be after the close of the Public Hearing.
- Commissioner Wagoner stated that Commissioner Wooten "...asked the question of Mr. Graham whether a vote against the 10 acre requirement would be a violation of law."
- Chair Phillips pointed out that the Resolution Requesting Legislation to Adopt a Room Occupancy Tax for Yadkin County was approved previously, and should be removed from the 3/19 minutes and replaced with the Resolution to Adopt a Local Deed Transfer Tax.
- Commissioner Garner made note of the misspelling of his name on page 28.

Motion seconded by Commissioner Wooten.

Vote: 5-0

SPECIAL RECOGNITIONS AND AWARDS

Chair Phillips and Interim County Manager Eric Williams presented Employee Length of Service Award certificates to County employees. They were joined by department heads of some of the various County departments represented. Chair Phillips extended her appreciation for the employees' commitment and dedication. The employees recognized were as follows:

5 Years

Earl Clayton Cambell-Reappraisal
Sandra Painter-Communications
James Hayes-Communications
Melissa Hardy-DSS
Deborah Shore-DSS
Debbie Swaim-Health Department
Deborah Shaw-Health Department

10 Years

Richard Nixon-Sheriff's Office
Thomas Fulda-DSS

15 Years

Sue B. North-Elections
Dana Ladd-Tax Office
Yvonne Walker-Health Department
Carolyn Gentry-DSS

20 Years

Tina Gooden-Finance
Eddie Weatherman-Fire Marshall
Patricia Martin-Soil & Water
Danny Widener-Sheriff's Office
Betty Dixon-DSS

25 Years

Donnie Martin-EMS
Mary Joyner-Health Department

30 Years

Margie Hargrave-DSS
Jim Graham-Attorney

BOARD APPOINTMENTS

Chair Phillips brought to the Board's attention the matter of the upcoming term expirations of Lowell Todd and Gray Gentry on the Board of Adjustment, occurring as of April 30th, as well as that of Sharon Ianotte, occurring on June 21st. She also noted that the seats on the Planning Board of Marion Welborn and Jerry Hutchens are scheduled to expire on May 31st. She asked that the Commissioners bring suggestions for seat replacements to the 4/16 Regular Session.

Vice Chairman Garner inquired if any of those whose terms are expiring have expressed the desire not to continue.

Planning & Development Director Kim Bates replied that Jerry Hutchens and Marion Welborn do wish to continue. He was unsure of the wishes of the others, but would inquire. He stated that the members' residential location in the various geographical areas of the County should be considered when filling the vacant seats.

Commissioner Wooten stated that if the current permanent members do not wish to continue in service, the alternate members may be approached to accept a permanent appointment.

BOARD ACTION

Interim County Manager Eric Williams discussed the initial decision to request architectural bids for a new County jail. The Jail Architect Selection Committee interviewed three firms and by consensus chose to recommend to the Board of Commissioners that the County contract with Moseley Architects, P.C. to design the jail project. The Board of Commissioners then voted to begin contract negotiations with Moseley. The firm has presented to the County a basic contract regularly utilized by the American Institute

of Architecture with some adjustments for Yadkin County's specific project. Mr. Williams noted that the back page of the contract describes an estimated figure for budgeting purposes, not necessarily the actual project cost.

Mr. Williams introduced Diane Rogers of Moseley Architects and then went on to state the contract includes an estimated 33,000 square feet, 88 beds and a 150 bed core as well as potential office space for the Sheriff's Department. Mr. Williams pointed out that the cost for site selection and purchase is still unknown. He said the proposal has trimmed the typical contingency fee from 10% to 5%, and the firm's fee for assistance in site selection was also omitted. He reported that the Committee and staff are gathering information on six or seven possible sites.

Chair Phillips stated she was concerned with the budget figure on the contract. She had done some research that indicated that construction costs have risen in part due to damage from Hurricane Katrina and high demand for construction materials in China. She expressed her concern for the widespread construction needs of the County and suggested that priorities be set. She recommended completing the jail first due to court order and then begin planning for two County middle schools.

Motion by Commissioner Wagoner to proceed with the contract for architectural services as presented from Moseley Architects, P.C. was seconded by Commissioner Cornelius.

Commissioner Wooten expressed serious concerns about the contents of the contract, and that the Board needs to consider the County's long term facility needs overall to better plan for a growing County. He stated that the Board had neither assigned authority to a designee for land acquisition nor appointed a designee to coordinate site selection. He said the Board never approved the inclusion of the Sheriff's, EMS, Magistrate and E911 offices. Commissioner Wooten also noted that some research into the jail facility had already been completed, yet was listed on the proposed contract. He went on to question the necessity of Section 3.4 of the contract entitled "Optional Additional Services." He asked who could say how much of the additional optional expenses would cost.

Vice Chair Garner asked if the County would automatically be charged for the services in question, to which Ms. Rogers replied that the services were optional only and would not require a fee if unused.

Commissioner Wooten reiterated his concern that, according to Section 12 of the contract, the County would pay the full amount. He noted that the contract does not state, "may or may not." He again asked why the items in question could not be stricken.

Commissioner Wagoner inquired of Commissioner Wooten how the long term needs of the County could be addressed in a more efficient way if the original plan for a 62 bed facility had been expanded to an 88 bed facility with the possibility of including the Sheriff's Department.

Commissioner Wooten replied that the needs of the jail, the Sheriff's Office and Magistrate are not the only departments in need of new or expanded facilities. He contended that the needs of other County departments such as the County Courthouse and middle schools have yet to be addressed.

Ms. Rogers stated that Moseley had no intention of repeating work which has been previously completed and that revisions can be made to the contract.

Commissioner Wooten stated that the cost per prisoner to pay for the new facility would be between \$90 and \$120 per day. If the County chose to house inmates in other counties the cost would be \$45 per day, per prisoner. He expressed his concern that the cost for a new facility would unnecessarily cost the taxpayers.

Chair Phillips remarked that the original motion was to approve a facility with at least 62 beds. The design is to include the possible future addition of the Sheriff's, Emergency 911 and EMS Departments, but not the Magistrate's office. She then asked Major Danny Widener and Lieutenant Tom Helms their thoughts regarding exactly what the County needs from the construction of a new law enforcement facility.

Major Widener answered that, in his opinion, 62 beds is too few and that he feels a 100 bed facility would be adequate for the present. He stated that the Sheriff was unwilling to press the issue for 120 beds and had said he would accept whatever the County would provide.

Commissioner Wooten said that the County should look for lower cost alternatives and reserve some funding to assist with school construction.

Chair Phillips replied that the cost does need to be kept to a minimum and that she prefers to see the cost not to exceed \$7,000,000. She also stated that Yadkin County is under a court order as of December 7, 2006 to provide adequate jail facilities. She said County staff is currently gathering information and requested that County Attorney James Graham be designated to negotiate for site acquisition at the appropriate time.

Vice Chair Garner asked Ms. Rogers that if the drawings were now completed for the additions of the Sheriff's and other offices, would the County be obligated to build, and if the County elected not to presently proceed with the additions, what is the likelihood the completed plans would not remain within code within the next five years. He also asked how any future revisions would affect the project cost.

Ms. Rogers stated that a new code review may be necessary, but the cost would be only for the code review. She said the plans would need to be resubmitted to State agencies for review as well. She said the drawings can be completed for future expansion to the facility and can be used as an alternate plan.

Vice Chair Garner asked to go on record as expressing thought toward the future of County building. He suggested the idea of acquiring land to accommodate the jail, courthouse, Sheriff's Department, EMS and any other needed additions.

Commissioner Wooten again expressed concern that costs would exceed the contract amount.

Chair Phillips made note that the reason the Jail Architect Selection Committee recommended Moseley is how the firm handles plan changes.

Ms. Rogers said Moseley routinely goes well above contract obligations to get costs within budget.

Commissioner Cornelius asked how the cost would increase if the County did not utilize the optional items contained in the contract. He was of the opinion that the Board of Commissioners would have to agree on the issues.

Mr. Graham noted that Moseley could not force the County to exercise said options.

Commissioner Wooten asked why the items in question could not be stricken from the contract.

Chair Phillips replied that the optional service may become a necessity, and if so would previously be contained in the contract agreement.

Commissioner Cornelius stated that he has no intention to vote to spend \$10,000,000 on the jail project. He expressed desire to remain in the \$7,000,000 budget range. He further stated his desire to move forward with the contract as long as Mr. Graham can attest to the document's legality.

Mr. Graham stated the contract appears to be a standard, legal document.

Chair Phillips asked if the motion made previously by Commissioner Wagoner should be modified.

Commissioner Wagoner stated his agreement with the modification of his motion, as did Commissioner Cornelius of his second.

Motion by Commissioner Wooten to postpone the decision until revisions of the contract were complete died for lack of a second.

Modified Motion by Commissioner Wagoner to proceed with the said contract with the stipulation that the budget not exceed \$7,000,000, and that the contract consists of a 150 bed core with a minimum of 62 beds was seconded by Commissioner Cornelius.

Vote: 4-1 (Wooten opposed)

Motion by Commissioner Cornelius to direct Mr. Williams and staff to continue identification of possible sites for the jail and, that at the appropriate time, Mr. Graham be designated as the negotiator for land acquisition was seconded by Commissioner Garner.

Vote: 4-1 (Wooten opposed)

RECESS

Chair Phillips declared a ten minute recess at 10:35 a.m.

REPORTS TO THE BOARD

Economic Development Director Bobby Todd reported to the Board that preparations for the Piedmont Triad Partnership are underway, a new Tourism Development Officer has been hired to replace Wade Nichols and Commissioner Joel Cornelius had been elected as Vice Chair of the Economic Development Advisory Council. Mr. Todd stated that he had no news, good or bad, regarding current ED projects, and that Department activity has slowed somewhat. He said the slowing of activity is cyclical and depends upon the projects at hand. He reported that the Hotel Occupancy Tax is progressing properly. Mr. Todd also updated the Board on the progress of the 501 c 3 Organization Research Project. He said currently options are being developed on how to structure the Commerce Program. He said the funds have been obtained to begin the Commerce Program in the next fiscal year. This, he stated, would bring the Economic Development Department out from under the dependency of YVEDDI and the Chamber would then stand alone with some assistance from the County and the Chamber of Commerce.

Chair Phillips noted the reason for the County's having placed Economic Development under YVEDDI was because the County could not afford to fund the Department at the time.

Mr. Todd replied that YVEDDI had agreed to support the Chamber until it was ready to make the transition. He also reported regarding the work of WIRED. He stated that there is a \$15 million grant over three years for the entire Piedmont Region for use in specific types of businesses.

Soil & Water Supervisor Jason Walker presented to the Board four bids for replacement of the Agriculture Building roof. They are as follows:

- Joshua Brown Construction—Pitched roof, 5/8" o.s.b. sheathing, vinyl gable ends, commercial guttering, 25 year shingled roofing, new heating and cooling system for entire building. Total = \$112,166.00
- Titus Construction—Pitched roof, 5/8" o.s.b. sheathing, vinyl gable ends, commercial guttering, standing seam metal roofing, new heating and cooling system for entire building. Total = \$102,556.00 with Trane brand heating system.
- Chemtech Roofing—Flat roof, replace existing roof with .045" rubber roof, new insulation in roof due to damage from leakage, new downspouts. Total = \$40,543.00
- Carolina Roofing—Flat roof, replace existing roof with .045" rubber roof, new insulation, new downspouts, County is responsible for all dumping fees. Total = \$26,397.00

The bids also included quotes of varying cost estimates reflective of possible variations in materials.

Mr. Walker pointed out that the Titus Construction proposal includes zone air system which uses one unit and separate thermostats. He also noted the dimensions of the building are 64' by 118,' or approximately 7,552 square feet of total area.

Mr. Walker stated he personally contacted several roofing and construction companies in the area and actually received only three replies. He further stated the request for proposals was not advertised. Mr. Williams reported the County's financial budget would accommodate the repairs to the building and the replacement of the building's air system.

Motion by Vice Chair Garner to accept the proposal from Titus Construction for the pitched roof system with the Goodman AC/Heat pump (or Alternative 1) at a cost of \$98,556 was seconded by Commissioner Wagoner.

Chair Phillips noted that although the State had recommended an increase, land use values have not been raised for a long time in order to aid the local agriculture industry. She went on to say that farmers may agree to an increase in land use value if the County agrees to build a new Agriculture Building or undertake major renovations to the existing building.

Discussion followed regarding the office and parking space issues. The building now houses several departments and the parking is insufficient to accommodate patrons with farm trailers and equipment in tow. It was suggested that a building outside of town limits would be better suited for the Cooperative Extension, and the current building could be renovated and utilized by another County agency. Mr. Walker reported of his knowledge of Farm Bureau's possible interest in assistance with funding for a new building. Chair Phillips suggested that more discussion occur at the next revaluation period. It was decided the current building may be salvageable, but in need of extensive repair.

Vice Chair Garner suggested repairs to the building be done correctly now in order to prolong the life of the building and protect the County's investment. It was suggested that Mr. Walker contact Titus Construction to confirm the cost will not expand to an amount of \$100,000 or greater, incurring the necessity to formally advertise for bids.

Motion by Commissioner Wooten to postpone the decision until the April 16th Regular Session in order to allow Mr. Walker the opportunity to confirm the terms with Titus Construction was seconded by Commissioner Cornelius.

Vote: 5-0

Information Services Director Chris Shugart reported to the Board regarding the progress of the development of the new County website. He stated that he had hoped to go live on April 1st, but some design changes were still underway. Mr. Shugart requested suggestions of the Board for the improvement of the website, to which Commissioner Wooten answered that he was not fond of the green background color. Mr. Shugart produced his laptop computer, allowing the Board to view the site. Commissioner Wagoner asked that the words "North Carolina" and "Yadkin County" be transposed so "Yadkin County" would appear at the top of the screen. Commissioner Cornelius suggested that it may be a better choice to remove the Calendar option that would allow the public to post upcoming events. Mr. Shugart reported that NexGen will be included on the site within the next month, and he now anticipates the site will go live in one month as well.

MANAGER COMMENTS

Interim County Manager Eric Williams reported to the Board on several issues as follows:

- County employee insurance coverage bids—Some discussion developed regarding the current insurance coverage contract with Crissman, Mendenhall, Steelman of Yadkinville. Mr. Williams suggested he be allowed to contact Rusty Crissman to discuss possible cost cuts and improvements to employee health coverage.

Motion was made by Vice Chair Garner to empower Mr. Williams to investigate other additional County employee insurance options with CMS.

Commissioner Wooten expressed his concern that other brokers be allowed to present bids, at which point Mr. Graham noted that Commissioner Wooten was out of order if the motion had not yet received a second.

Commissioner Cornelius seconded the motion.

Commissioner Cornelius stated that if the County were to advertise for formal bids, the appropriate time to have begun the process would have been in July of 2006. He contended that too great a time had lapsed in order to accommodate the next fiscal budget.

Chair Phillips suggested, in light of the sensitivity of the issue, that CMS be consulted for cost reductions and/or coverage adjustments for the upcoming fiscal season, and if the Board so desires, begin the process of requesting formal bids for the '08-'09 fiscal year in July of 2007.

Vote: 4-1 (Wooten opposed)

- Utility line easement acquisitions—Mr. Williams reported that the staff may be approaching the point at which there is nothing more they can do to further obtain easements for the Jonesville and I-77/Hwy 421 water line projects.

Motion by Commissioner Wagoner to authorize Mr. Williams to direct his staff to continue their efforts in obtaining the said easement documents until April 17th, and then direct the remaining acquisitions to Mr. Graham was seconded by Commissioner Wooten.

Vote: 5-0

- Mr. Williams requested scheduling of a Board and Manager budget workshop be set. It was decided to schedule the workshop for Wednesday, April 11th from 6:30-9:00 p.m.
- The closure of the Social Security Administration office in Yadkinville—Mr. Williams reported that District Director Vernal Cooper had contacted him regarding the County's objection letter, and that she had expressed her understanding of the County's concerns. He said she reiterated the Administration's concerns of employee security due to some recent reported violence in SSA offices. He said he does expect to be in contact with Ms. Cooper again.

CALENDAR NOTES

Chair Phillips requested that Mr. Williams list only items which are not usual to the Commissioners' typical schedules.

COMMISSIONER COMMENTS

Vice Chair Garner inquired of Planning & Development Director Kim Bates whether Mr. Johnson of JM Electric had refused a possible optional zoning plan, to which Mr. Bates replied that Mr. Johnson had refused the option because it would require additional rezoning if he chose to expand his business in the future. Mr. Bates stated that Mr. Johnson opted for the General Usage Highway Business zoning, but that he feels the issue requires further discussion, and that he plans to personally visit Mr. Johnson to press the issue.

Commissioner Cornelius and Commissioner Wagoner offered to accompany Mr. Bates to his visit with Mr. Johnson. Mr. Bates accepted and stated that Mr. Johnson still had the ability to withdraw his rezoning petition.

Commissioner Wooten addressed the issue of the \$450,000 of budget cuts which the Board voted, at their March 19th Regular Session, not to be removed from the current fiscal year's budget. He gave a brief history of the issue and made suggestions for possible uses of the funds in question. He contended that he had approached Mr. Williams with the issue on several occasions. He stated Mr. Williams had been unable to resolve the issue, and had since been unavailable for further discussion due to time constraints.

Commissioner Wagoner expressed his excitement pertaining to the installation of water and sewer utility lines in several areas of the County.

Commissioner Cornelius said he was happy to see that Commissioner Wooten had been able to attend the meeting in spite of recent health concerns and wished Commissioner Wooten a rapid recovery.

Chair Phillips conveyed information she received from Yadkinville Town Manager Ken Larking that a primary goal of the Yadkinville Board of Commissioners is to improve communication with the County Board and Administration. She stated the Town wishes to confer with the County regarding the issue of Jail site selection and hopes to soon schedule a meeting.

She also brought to the attention of the Board the upcoming Board of Education/Board of Commissioners meeting on Monday, April 30th at 6:30 p.m. at the Planning and Permits Building conference room, the Spring Litter Sweep from April 14th through the 28th as per proclamation from the Governor and the 4:00 p.m. meeting of the Yadkin River Heritage Commission scheduled for April 19th at the Lewisville Public Library.

Chair Phillips stated that Mr. Williams is still working with Randy Darden of Arcadis, Ron Niland, Town Manager of Jonesville and the Jonesville water engineer to set a meeting for discussions regarding the expansion of the Jonesville water plant.

Motion made by Commissioner Wooten to proceed to Closed Session at approximately 12:30 p.m., as per NCGS 143-318.11 was seconded by Commissioner Cornelius.

Vote: 5-0

Following the Closed Session the Board returned to Open Session and on a Motion by Commissioner Cornelius, seconded by Commissioner Wooten, the meeting was recessed until 2:00 p.m. on April 2 for the purpose of additional discussions (in Closed Session) on personnel matters.

Interim Clerk to the Board